# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

| SCIELE PHARMA, INC., ANDRX CORPORATION, ANDRX PHARMACEUTICALS, INC. (N/K/A WATSON LABORATORIES, INC FLORIDA), ANDRX PHARMACEUTICALS L.L.C., ANDRX LABORATORIES (NJ), INC., ANDRX EU LTD., AND ANDRX LABS, L.L.C., | ) ) ) ) (C.A. No. 09-037 (RBK)(JS) ) CONSOLIDATED ) |
|---|---|
| Plaintiffs,   | )   |
| v.  | )<br>)  |
| LUPIN LTD., and LUPIN PHARMACEUTICALS, INC.,  | )<br>)<br>)   |
| Defendants.   | )   |
| SHIONOGI, INC., ANDRX CORPORATION, ANDRX PHARMACEUTICALS, INC. (N/K/A WATSON LABORATORIES, INC FLORIDA), ANDRX PHARMACEUTICALS L.L.C., ANDRX LABORATORIES (NJ), INC., ANDRX EU LTD., AND ANDRX LABS, L.L.C.,      | ) ) ) ) ) (C.A. No. 10-135 (RBK)(JS)                |
| Plaintiffs,   | )   |
| v.  | )<br>)  |
| MYLAN, INC., and MYLAN PHARMACEUTICALS INC.,  | ,<br>)<br>)   |
| Defendants.   | )<br>)  |

## PLAINTIFFS' NOTICE OF DEPOSITION OF RAJESH GUPTA

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs Sciele Pharma, Inc., n/k/a Shionogi Pharma, Inc. ("Shionogi") and Andrx Corporation; Andrx Pharmaceuticals, Inc., n/k/a Watson Laboratories, Inc. – Florida; Andrx

Pharmaceuticals L.L.C.; Andrx Laboratories (NJ), Inc.; Andrx EU Ltd.; and Andrx Labs, L.L.C. (collectively, "Andrx") (together, "Plaintiffs"), by and through their attorneys, will take the deposition upon oral examination of Rajesh Gupta, beginning on May 15, 2012 at 9:30 a.m. at the law offices of Wilmer Cutler Pickering Hale & Dorr LLP, 950 Page Mill Road, Palo Alto, CA 94304, or at such other time and place as the parties mutually agree, and will continue from day to day until completed.

The deposition will be taken before a notary public or an officer authorized to administer oaths under the law, will be conducted in accordance with the Federal Rules of Civil Procedure and any other applicable rules, and may be recorded by audiovisual and/or stenographic means. The deposition will be taken for purposes of discovery, for use at the trial or any hearing in this matter, and for any other purpose permitted under the Federal Rules of Civil Procedure.

RICHARDS, LAYTON & FINGER P.A.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/Steven J. Fineman

\_\_\_\_\_

Frederick L. Cottrell, III (#2555) Steven J. Fineman (#4025)

Jason J. Rawnsley (#5379)

One Rodney Square

P.O. Box 551

Wilmington, DE 19899

(302) 651-7700

cottrell@rlf.com

fineman@rlf.com

rawnsley@rlf.com

Attorneys for the Andrx Plaintiffs

/s/Jennifer Ying

Jack B. Blumenfeld (#1014)

Karen Jacobs Louden (#2881)

Jennifer Ying (#5550)

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

(302) 658-9200

iblumenfeld@mnat.com

klouden@mnat.com

jying@mnat.com

Attorneys for Plaintiff Shionogi

#### OF COUNSEL:

Gary E. Hood POLSINELLI SHUGHART PC 161 North Clark, Suite 4200 Chicago, Illinois 60601 (312) 819-1900

Robyn H. Ast POLSINELLI SHUGHART PC 100 S. Fourth Street, Suite 1000 St. Louis, Missouri 63102 (314) 622-6614

May 4, 2012 5905782

#### OF COUNSEL:

David A. Manspeizer
David Bassett
Peter Shen
Christopher R. Noyes
WILMER, CUTLER, PICKERING, HALE & DORR LLP
399 Park Ave
New York, NY 10022
(212) 263-8800

Liza M. Walsh Rukhsanah Lighari Patrick J. Murphy, III CONNELL FOLEY LLP 85 Livingston Avenue Roseland, NJ 07068 (201) 521-1000

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2012, electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following all registered participants.

I also certify that copies were caused to be served on May 4, 2012, upon the following in the manner indicated:

Richard D. Kirk, Esquire Stephen B. Brauerman, Esquire BAYARD, P.A. 222 Delaware Avenue, Suite 900 Wilmington, DE 19801 Attorneys for Lupin Ltd. and Lupin Pharmaceuticals, Inc. VIA ELECTRONIC MAIL

Douglass C. Hochstetler, Esquire Kelley Drye & Warren LLP 333 West Wacker Drive, 26<sup>th</sup> Floor Chicago, IL 60606 Attorneys for Lupin Ltd. and Lupin Pharmaceuticals, Inc. VIA ELECTRONIC MAIL

Beth D. Jacob, Esquire KELLEY DRYE & WARREN LLP 101 Park Avenue New York, NY 10178 Attorneys for Lupin Ltd. and Lupin Pharmaceuticals, Inc. VIA ELECTRONIC MAIL

Karen A. Confoy, Esquire Erica A. Helms, Esquire STERNS & WEINROTH PC 50 West State Street, Suite 1400 Trenton, NJ 08607 Attorneys for Lupin Ltd. and Lupin Pharmaceuticals, Inc. VIA ELECTRONIC MAIL

Richard Herrmann, Esquire Mary B. Matterer, Esquire MORRIS JAMES LLP 500 Delaware Avenue, Suite 1500 Wilmington, DE 19801 Attorneys for Mylan Inc. and Mylan Pharmaceuticals Inc.

Timothy H. Kratz, Esquire Robert L. Florence, Esquire George J. Barry III, Esquire McGuire Woods LLP 1230 Peachtree Street, N.E., Suite 2100 Atlanta, GA 30309 Attorneys for Mylan Inc. and Mylan Pharmaceuticals Inc. VIA ELECTRONIC MAIL

VIA ELECTRONIC MAIL

/s/ Jennifer Ying
Jennifer Ying (#5550)